

February 14, 2022

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/14/2022

BY ECF

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Brian Kolfage, et al.*, 20 Cr. 412 (AT)

Dear Judge Torres:

The Government respectfully submits this letter jointly on behalf of the parties pursuant to the Court's order dated February 9, 2022 (Dkt. No. 148).

The Government and defendant Andrew Badolato are in the final stages of discussions about a pretrial resolution of the case and do not anticipate that a trial on the charges against Mr. Badolato will be necessary. Accordingly, the parties jointly propose that the Court request only one trial date for this case, for defendants Brian Kolfage and Timothy Shea. However, if Mr. Badolato has not resolved the charges pending against him by March 10, 2022, counsel for Mr. Shea intends to submit a letter with exhibits to the Court objecting to Mr. Shea being tried with Mr. Kolfage.

Separately, the Government, Mr. Kolfage, and Mr. Shea are in ongoing discussions about potential evidentiary and legal issues that may arise at trial. In order to permit adequate time to conclude those discussions and allow the parties to identify and narrow any potential areas of disagreement in advance of filing motions *in limine*, proposed *voir dire*, requests to charge, and a proposed verdict form, the Government, Mr. Kolfage, and Mr. Shea request that the Court reschedule the deadline for those filings from February 28, 2022 (*see* Dkt. No. 145), until March 14, 2022, and permit any oppositions to the motions *in limine* to be filed by March 21, 2022.

GRANTED in part, and DENIED in part. By **March 14, 2022**, the parties shall file their joint proposed voir dire questions, requests to charge, verdict forms, and any motions *in limine*. By **March 21, 2022**, the parties shall file opposition papers to any motions *in limine*.

The Court shall request a trial date for Defendants Kolfage and Shea for **May 16, 2022**. The Court shall request a trial date for Defendant Badolato for **June 6, 2022**. By **March 7, 2022**, the Government and Defendant Badolato shall submit a joint letter to the Court regarding the status of their discussions.

SO ORDERED.

Dated: February 14, 2022

New York, New York



ANALISA TORRES
United States District Judge